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186 Wood Avenue South
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EXAMINER

ZELASKIEWICZ, CHRYSTINA E

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3621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/528,693	Applicant(s) WRIGHT ET AL.	
	Examiner CHRYSTINA ZELASKIEWICZ	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. This action is in reply to the Amendment filed on October 9, 2008.
2. Claims 1, 21 has been amended.
3. Claims 7-20 have been canceled.
4. Claims 1-6, 21-34 are currently pending and have been examined.
5. Paper No. is provided for reference purposes only.

Specification

6. In light of Applicant's amendments, the former objection is withdrawn.

Claim Rejections - 35 USC § 112, 1st Paragraph, Written Description

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-6, 21-34 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

9. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10. Specifically, Applicant fails to show he had possession of on-line chat technology. First Applicant's specification states "[i]n the help window, the customer, using well-known on-line 'chat' technology, obtains instant access to a live technician" (specification filed 20 March 2000, p 7). However Applicant now argues "[n]o evidence is of record that 'on-line 'chat' technology' that was 'well-known' to Applicant was 'well-known in the art'" (Oct 9, 2008 Amendment p 19). Applicant states that 'well known' means 'well known to Applicant' and not 'well known in the art.' Because of the conflicting evidence and

assuming the second statement to be true, Applicant fails to show possession of on-line chat technology because his specification only makes the first statement regarding "using well-known on-line 'chat' technology." In other words, he does not describe the subject matter in such a way as to convey to one skilled in the art that he had possession of the claimed invention.

11. Furthermore, the Examiner assumes that Applicant will adopt the same interpretation of "well-known" (*i.e.* well-known to Applicant only) for Profibus products. Thus, Applicant states "for example, a Profibus product, a well-known bus cable system, may have hypertext to the Profibus Standard web site" (specification filed 20 March 2000, p 6). And again, assuming Applicant's interpretation of "well-known" means 'well known to Applicant' and not 'well known in the art,' Applicant fails to show possession of Profibus products because his specification only makes the above statement regarding "a well-known bus cable system." He does not describe the subject matter in such a way as to convey to one skilled in the art that he had possession of the claimed invention.

Claim Rejections - 35 USC § 112, 1st Paragraph, Enablement

12. Claims 1-6, 21-34 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

13. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

14. Specifically, Applicant fails to show how to make and/or use on-line chat technology. First Applicant states "[i]n the help window, the customer, using well-known on-line 'chat' technology, obtains instant access to a live technician" (specification filed 20 March 2000, p 7). Then Applicant argues "[n]o evidence is of record that 'on-line 'chat' technology' that was 'well-known' to Applicant was 'well-known in the art'" (Amendment p 19). If on-line chat technology was not well-known in the art as Applicant argues in the second statement, then Applicant should have described the subject matter in the specification to enable one skilled in the art to make and/or use on-line chat technology. Applicant fails to do this.

15. Furthermore, Examiner assumes that Applicant will adopt the same interpretation of "well-known" (i.e. well-known to Applicant only) for Profibus products. Thus, Applicant states "for example, a Profibus product, a well-known bus cable system, may have hypertext to the Profibus Standard web site" (specification filed 20 March 2000, p 6). Assuming Applicant's interpretation of "well-known" regarding Profibus products, then Applicant should have described the subject matter in the specification to enable one skilled in the art to make and/or use Profibus products. Applicant fails to do this.

16. In light of Applicant's amendments, the former rejection is withdrawn.

Claim Rejections - 35 USC § 112, 2nd Paragraph

17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

18. Claims 1-6 and 21-34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

19. Claims 1 and 21 state "a predetermined Profibus product." This phrase is vague and indefinite because it has multiple interpretations: a product manufactured and sold by Profibus (www.profibus.com), which may change over time; a bus cable system (specification p 5); or a product that adheres to a specific standard, which may change over time. For prior art purposes, Examiner will interpret the phrase "a predetermined Profibus product" to be "a predetermined product."

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 1-6, 21-31, 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun et al. (US 5,804,803) in view of Bilas et al. (US 5,253,159).

Claim 1

22. Cragun discloses the following limitations:

- a. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) contained in a memory (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10);
- b. a predetermined Profibus product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),
- c. the programmable logic controller (client computer 102) operatively coupleable to a network (LAN) (C3 L45-65),
- d. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),
- e. a human/machine interface (display screen 114) of the programmable logic controller (client computer 102) adapted to display the network web page (C3 L55-60, C8 L6-30),
- f. the network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),
- g. the network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),
- h. the network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and

- i. information (customer and product information) provided via the on-line product support help window adapted to update the updatable maintenance log (C8 L63-67, C9 L1-10, C11 L28-48).
23. Cragun does not disclose the following limitations:
- j. The programmable... mechanism.
24. Bilas discloses the following limitations:
- k. the programmable logic controller (controller 32) adapted to control a circuit breaker mechanism (circuit breaker) (abstract, figure 2, C3 L30 – C4 L22).
25. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute an “object” for a “predetermined Profibus product” because an object may be any predetermined Profibus product. The simple substitution of one known element for another, producing predictable results, renders the claim obvious.
26. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Bilas because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); and 3) a need exists for a circuit breaker load-center that is easier and more convenient to monitor and operate (Bilas C1 L13-48). Having a programmable logic controller adapted to control a circuit breaker mechanism makes it easier to monitor and operate.

Claim 2

27. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:
- l. said indicator (URL) is specific to said predetermined product (object 115), such that a plurality of indicators (additional URLs) that direct to a plurality of web pages (remote documents)

are provided, each web page (document 174) providing specific product information relevant to said predetermined product (figure 2, C5 L30-67, C6 L1-3, C8 L63-67, C9 L1-10).

Claim 3

28. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- m. said indicator is an URL (URL) of a web page (figure 2, C5 L30-67, C6 L1-3).

Claim 4

29. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- n. a label (RF tag) affixed to the predetermined product (object 115), wherein said label comprises said memory (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10).

Claim 5

30. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- o. said memory is a micro-chip memory (RF tag) (C12 L1-10).

Claim 6

31. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- p. the programmable logic controller (client computer 102 with scanning device 118) is coupled to the network (network 148) via means for automatically interfacing to the Internet to access said web page based on said indicator (URL) (figure 2, C5 L53-67, C6 L1-36).

Claim 21

32. Cragun discloses the following limitations:

- q. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10),
- r. said product information apparatus communicatively coupled to a predetermined Profibus product (object 115) (abstract),
- s. said predetermined product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),
- t. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),
- u. a human/machine interface (display screen 114) of said programmable logic controller (client computer 102) adapted to automatically display said network web page responsive to said indicator (C3 L55-60, C8 L6-30),
- v. said network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),
- w. said network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance history log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),
- x. said network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and
- y. information (customer and product information) provided via said on-line product support help window adapted to update said updatable maintenance history log (C8 L63-67, C9 L1-10, C11 L28-48).

33. Cragun does not disclose the following limitations:

- z. Said programmable... mechanism.

34. Bilas discloses the following limitations:

aa. the programmable logic controller (controller 32) adapted to control a circuit breaker mechanism (circuit breaker) (abstract, figure 2, C3 L30 – C4 L22).

35. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute an “object” for a “predetermined Profibus product” because an object may be any predetermined Profibus product. The simple substitution of one known element for another, producing predictable results, renders the claim obvious.

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Bilas because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); and 3) a need exists for a circuit breaker load-center that is easier and more convenient to monitor and operate (Bilas C1 L13-48). Having a programmable logic controller adapted to control a circuit breaker mechanism makes it easier to monitor and operate.

Claim 22

37. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

bb. said predetermined product (object 115) (abstract, figure 1a).

Claim 23

38. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

cc. said programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9).

Claim 24

39. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

dd. said indicator (URL) is stored in a memory (memory of RF tag) provided with said predetermined product (object 115) (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10).

Claim 25

40. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

ee. said indicator (URL) is stored in a micro-chip (RF tag) implanted in said predetermined product (C12 L1-10).

Claim 26

41. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

ff. said indicator (URL) is stored in a micro-chip (RF tag) that is accessible via a serial port (scanning device 118 connected to client computer 102) (C2 L47-67, C3 L55-67).

42. Cragun does not disclose the following limitations:

gg. A serial port.

43. It is now admitted prior art that a scanning device may be connected to a computer via a serial port.

44. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show said indicator is stored in a micro-chip that is accessible via a serial port because Cragun already teaches a client computer with a scanning device that reads the indicator stored on a micro-chip (abstract, figure 1a). A suggestion exists that the micro-chip could be accessible via a serial port because this setup would eliminate using a scanning device (i.e. client computer reading the indicator directly from the micro-chip via a serial port), and speed up the process of reading the indicator.

Claim 27

45. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

hh. said indicator (URL) is stored in a micro-chip (RF tag) that piggy backs on a port line provided with said predetermined product (C2 L47-67, C3 L55-67).

46. Cragun does not disclose the following limitations:

ii. A port line provided with said predetermined product.

47. It is now admitted prior art that a scanning device may be connected to a computer via a port line.

48. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show said indicator is stored in a micro-chip that piggy backs on a port line provided with said predetermined product because Cragun already teaches a client computer with a scanning device that reads the indicator stored on a micro-chip (abstract, figure 1a). A suggestion exists that the micro-chip could be accessible via a port line (i.e. piggy backs on a port line provided with the product) because this setup would eliminate using a scanning device (i.e. client computer reading the indicator directly from the micro-chip via a port line), and speed up the process of reading the indicator.

Claim 28

49. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

jj. said network webpage (document 174) provides an e-mail link (additional URLs), said e-mail link adapted to cause an e-mail to be sent directly to a technician responsible for handling said predetermined product (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48).

50. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the network webpage provides an e-mail link, said e-mail link adapted to cause an e-mail to be sent directly to a technician responsible for handling said predetermined product, because Cragun already teaches additional URLs present on the webpage for further product information, and the

webpage providing an on-line product support help window (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists that an e-mail link be present on the webpage, which sends an email to a technician responsible for handling the product, because the technician would serve a similar purpose as the additional URLs present on the webpage (i.e. to provide further product information).

Claim 29

51. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

kk. said help window (Microsoft Help Window) is an on-line chat window adapted to provide a communication with a live technician (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48).

52. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the help window is an on-line chat window adapted to provide a communication with a live technician because Cragun already teaches additional URLs present on the webpage for further product information, and the webpage providing an on-line product support help window (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists to have an on-line chat window to speak with a live technician because the technician could provide more detailed product information (e.g. medical warnings) that may not be present on the webpage.

Claim 30

53. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

ll. said help window (Microsoft Help Window) is adapted to update (fill-in) said maintenance log (customer and product information) with a dialog of a live technician provided in said help window (C8 L63-67, C9 L1-10, C11 L28-48).

54. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the help window is adapted to update said maintenance log with a dialog of a live technician provided in said help window because Cragun already teaches information provided via the

on-line help window adapted to update the maintenance log (C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists to update the maintenance log with the live technician dialog because the maintenance log should maintain a complete record of communications regarding the product.

Claim 31

55. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

mm. said network webpage (document 174) is adapted to provide a customer notes window (Microsoft Window), said network webpage adapted to update (fill-in form) said maintenance log with a content of said user notes window (customer and product information, e.g. ingredients customer is allergic to) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48).

56. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the network webpage is adapted to provide a customer notes window, said network webpage adapted to update said maintenance log with a content of said user notes window, because Cragun already teaches using windows and updating a maintenance log (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists to update the maintenance log using the content from the customer notes window because said content is important customer and product information, such as recommended dosage or warnings (C11 L28-48).

Claim 34

57. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

nn. said network webpage (document 174) is adapted to accept a serial number (UPC code) of said predetermined product as an access password (C7 L28-67, C8 L1-30).

58. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the network webpage is adapted to accept a serial number of said predetermined product as an access password because Cragun already teaches using the product's UPC code to provide

product information, and accepting a customer ID for access (C7 L28-67, C8 L1-30). A suggestion exists to use the product's UPC code as an access password to the network webpage because the UPC code can verify which product the customer seeks access to on the webpage.

59. Alternatively, claims 1-6, 21-31, 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun in view of Zavis et al. (US 5,596,263).

Claim 1

60. Cragun discloses the following limitations:

- oo. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) contained in a memory (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10);
- pp. a predetermined Profibus product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),
- qq. the programmable logic controller (client computer 102) operatively coupleable to a network (LAN) (C3 L45-65),
- rr. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),
- ss. a human/machine interface (display screen 114) of the programmable logic controller (client computer 102) adapted to display the network web page (C3 L55-60, C8 L6-30),
- tt. the network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),
- uu. the network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),

- vv. the network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and
 - ww. information (customer and product information) provided via the on-line product support help window adapted to update the updatable maintenance log (C8 L63-67, C9 L1-10, C11 L28-48).
61. Cragun does not disclose the following limitations:
- xx. The programmable... mechanism.
62. Zavis discloses the following limitations:
- yy. the programmable logic controller (controller 106) adapted to control a circuit breaker mechanism (circuit breaker) (abstract, figures 1 and 8, C3 L50 – C4 L5).
63. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute an “object” for a “predetermined Profibus product” because an object may be any predetermined Profibus product. The simple substitution of one known element for another, producing predictable results, renders the claim obvious.
64. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Zavis because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) the Zavis controller is of particular relevance to the instant application (specification filed 20 March 2000, p 5); and 4) a need exists to maintain information when an actuator is changed out to avoid time consuming delays and errors (Zavis C1 L15-62). Having the programmable logic controller adapted to control the circuit breaker mechanism will help prevent time consuming delays and errors, and detect undesirable conditions (Zavis C1 L15-62).

Claim 21

65. Cragun discloses the following limitations:

zz. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10),

aaa. said product information apparatus communicatively coupled to a predetermined Profibus product (object 115) (abstract),

bbb. said predetermined product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),

ccc. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),

ddd. a human/machine interface (display screen 114) of said programmable logic controller (client computer 102) adapted to automatically display said network web page responsive to said indicator (C3 L55-60, C8 L6-30),

eee. said network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),

fff. said network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance history log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),

ggg. said network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and

hhh. information (customer and product information) provided via said on-line product support help window adapted to update said updatable maintenance history log (C8 L63-67, C9 L1-10, C11 L28-48).

66. Cragun does not disclose the following limitations:

iii. Said programmable... mechanism.

67. Zavis discloses the following limitations:

iii. said programmable logic controller (controller 106) adapted to control a circuit breaker mechanism (circuit breaker) (abstract, figures 1 and 8, C3 L50 – C4 L5).

68. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute an “object” for a “predetermined Profibus product” because an object may be any predetermined Profibus product. The simple substitution of one known element for another, producing predictable results, renders the claim obvious.

69. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Zavis because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) the Zavis controller is of particular relevance to the instant application (specification filed 20 March 2000, p 5); and 4) a need exists to maintain information when an actuator is changed out to avoid time consuming delays and errors (Zavis C1 L15-62). Having the programmable logic controller adapted to control the circuit breaker mechanism will help prevent time consuming delays and errors, and detect undesirable conditions (Zavis C1 L15-62).

Claims 2-6, 22-31, 34

70. Cragun, in view of Zavis, discloses all the limitations above. Furthermore, Cragun discloses the remaining limitations of each claim (please see rejection above).

71. Claims 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun, in view of Bilas, and further in view of Smith et al. (US 6,333,973).

Claim 32

72. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Smith discloses the following limitations:

kkk. said network webpage (screen display) is adapted to provide a hot link (hot-link) adapted to interface with a cell phone (telephone connection to company or access webpage) (C9 L24-35, figures 9a, 9b).

73. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to show the network webpage is adapted to provide a hot link adapted to interface with a cell phone because Smith already teaches a screen display that hot-links to a telephone connection or a webpage (C9 L24-35, figures 9a, 9b). A suggestion exists that if a connection can be made from a cell phone to a webpage via a hot-link on the cell phone, then a connection can also be made in the opposite order (from the webpage to a cell phone via a hot-link on the webpage).

74. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun, in view of Bilas, with Smith because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) a need exists for a circuit breaker load-center that is easier and more convenient to monitor and operate (Bilas C1 L13-48); and 4) a need exists to integrate different types of messages from different types of equipment (Smith C2 L19-23). A network webpage adapted to provide a hot link adapted to interface with a cell phone would allow consumers enhanced information delivery about a product, and to integrate different types of messages from different types of equipment.

Claim 33

75. Cragun, in view of Bilas, discloses all the limitations above. Furthermore, Smith discloses the following limitations:

III. said network webpage (screen display) is adapted to provide a hot link (hot-link) adapted to interface with a utility belt (telephone connection to company or access webpage) (C9 L24-35, figures 9a, 9b).

76. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to show the network webpage is adapted to provide a hot link adapted to interface with a utility belt (i.e. device) because Smith already teaches a screen display that hot-links to a telephone connection or a webpage (C9 L24-35, figures 9a, 9b). A suggestion exists that if a connection can be made from a cell phone to a webpage via a hot-link on the cell phone, then a connection can also be made in the opposite order (from the webpage to a cell phone via a hot-link on the webpage). Furthermore, a suggestion exists that a webpage capable of a connection, or interfacing, with a cell phone via a hot-link on the webpage would also be capable of interfacing with other devices such as a utility belt.

77. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun, in view of Bilas, with Smith because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) a need exists for a circuit breaker load-center that is easier and more convenient to monitor and operate (Bilas C1 L13-48); and 4) a need exists to integrate different types of messages from different types of equipment (Smith C2 L19-23). A network webpage adapted to provide a hot link adapted to interface with a utility belt would allow consumers enhanced information delivery about a product, and to integrate different types of messages from different types of equipment.

78. **Alternatively, claims 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun, in view of Zavis, and further in view of Smith.**

Claims 32, 33

79. Cragun, in view of Zavis, discloses all the limitations above. Furthermore, Smith discloses the remaining limitations of each claim (please see rejection above).

80. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun, in view of Zavis, with Smith because 1) it is often difficult for consumers to find and even

more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) the Zavis controller is of particular relevance to the instant application (specification filed 20 March 2000, p 5); 4) a need exists to maintain information when an actuator is changed out to avoid time consuming delays and errors (Zavis C1 L15-62); and 5) a need exists to integrate different types of messages from different types of equipment (Smith C2 L19-23). A network webpage adapted to provide a hot link adapted to interface with a cell phone or utility belt would allow consumers enhanced information delivery about a product, and to integrate different types of messages from different types of equipment.

81. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

82. In light of Applicants' choice to pursue product claims, Applicants are again reminded that functional recitation(s) using the word and/or phrases "for", "adapted to", "configured to", or other functional language (e.g. see claims 1, 21 which recite "operatively coupleable to"; claims 1, 21, 28-34 which recite "adapted to") have been considered but are given little patentable weight because they fail to add any structural limitations and are thereby regarded as intended use language. To be especially clear, all limitations have been considered. However, a recitation of the intended use of the claimed product must result in a structural difference between the claimed product and the prior art in order to patentably distinguish the claimed product from the prior art. If the prior art structure is capable of performing the intended use, then it reads on the claimed limitation. *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) ("The manner or method in which such a machine is to be utilized is not germane to the issue of patentability of the machine itself."); *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). See also MPEP §§

31.06 II (C.), 2114 and 2115. By way of example only, the Examiner respectfully suggests changing "operatively coupleable to" to simply "coupled to" where a positive recitation is desired. Unless expressly noted otherwise by the Examiner, the claim interpretation principles in the paragraph apply to all claims currently pending.

Response to Arguments

83. Applicant's attempt at traversing the Official Notice findings as stated in the previous Office Action dated July 9, 2008 is inadequate (Amendment p 13-14). Adequate traversal is a two step process. First, Applicant must state their traversal on the record. Second and in accordance with 37 C.F.R. §1.111(b), which requires Applicant to specifically point out the supposed errors in the Office Action, Applicant must state **why** the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Only if applicant adequately traverses the Examiner's assertion of official notice, then the examiner must provide documentary evidence to maintain the rejection. See MPEP §2144.03C.

84. In this application Applicant satisfies step (1), but does not satisfy step (2) because Applicant has failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. For example, Applicant does not argue or offer evidence as to *why* the following statement is not old and well known in the art: a scanning device may be connected to a computer via a serial port (Office Action July 9, 2008, p 8). Consequently, Applicant's traversal is inadequate and the Official Notice statement(s) are taken to be admitted as prior art. See MPEP §2144.03. Because Applicant did not adequately traverse the official notice, there is no burden on the examiner to provide documentary evidence to maintain this rejection.

85. Applicant argues that there is lack of required factual evidence of obviousness (Amendment p 14). Examiner respectfully disagrees, and points to the rejection above. Additionally, Examiner would like to point out that the Supreme Court in KSR International Co. v. Teleflex Inc. described seven rationales to support rejections under 35 U.S.C. 103:

mmm. Combining prior art elements according to known methods to yield predictable results;

nnn. Simple substitution of one known element for another to obtain predictable results;

ooo. Use of known technique to improve similar devices (methods, or products) in the same way;

ppp. Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

qqq. "Obvious to try" –choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

rrr. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and

sss. Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

86. Prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. The prior art reference (or references when combined) need not teach or suggest all the claim limitations; however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. The "mere existence of differences between the prior art and an invention does not establish the invention's nonobviousness." see Dann v. Johnson, 425 U.S. 219, 230 (1976).

87. Applicant argues that no evidence is provided why one having ordinary skill in the art would combine and/or modify the applied portions of the references (Amendment p 15-17). Examiner respectfully disagrees, and points to the rejection above. For example, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the network webpage is adapted to accept a serial number of said predetermined product as an access password because

Cragun already teaches using the product's UPC code to provide product information, and accepting a customer ID for access (C7 L28-67, C8 L1-30). A suggestion exists to use the product's UPC code as an access password to the network webpage **because** the UPC code can verify which product the customer seeks access to on the webpage.

88. Applicant argues that Examiner's note regarding functional limitations does not reflect the current law (Amendment p 18). Examiner respectfully disagrees, and points to MPEP §§ 31.06II(C), 2114 and 2115.

89. Applicant argues that the alleged admission of on-line chat technology to obtain instant access to a live technician only demonstrates that this fact was well-known to Applicant, and not necessarily well-known in the art (Amendment p 19). Examiner respectfully disagrees. Applicant states "the customer, using well-known on-line 'chat' technology, obtains instant access to a live technician" (specification filed 20 March 2000, p 7). Applicant provides no support to his argument that on-line "chat" technology was well-known only to him versus well-known in the art. Please see 35 U.S.C. 112, 1st paragraph rejection above.

Conclusion

90. Applicant's amendment and arguments filed on October 9, 2008 necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. §1.136(a).

91. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. §1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS

from the date of this final action.

92. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Chrystina Zelaskiewicz whose telephone number is 571.270.3940. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at 571.272.6779.

93. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Chrystina Zelaskiewicz/
Examiner, Art Unit 3621
December 9, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621

Request for Information Under 37 C.F.R. §1.105

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. The information is required to document the level of skill and knowledge in the art of Profibus products.
3. The information is required to identify products and services embodying the disclosed subject matter of Profibus products and identify the properties of similar products and services found in the prior art. This includes but is not limited to Applicant's and Assignee's products or services and associated documents that were publicly available on or before March 20, 2000.
4. In response to this requirement, please provide a list of keywords that are particularly helpful in locating publications related to the disclosed art of Profibus products.
5. In response to this requirement, please provide the names of any known products or services that have incorporated the claimed subject matter and that were publicly available on or before March 20, 2000.
6. In response to this requirement, please provide a citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.
7. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.
8. The fee and certification requirements of 37 C.F.R. §1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. §1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication

responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 C.F.R. §1.97.

9. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

10. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

11. Applicant should consult MPEP § 704.10 – 704.14 for additional information.

/Chrystina Zelaskiewicz/
Examiner, Art Unit 3621
December 16, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621